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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/694,758

10/23/2000

Shukti Chakravarti

CWV-001.01

7408

41552

7590

06/14/2006

EXAMINER

LIU, SUE XU

MCDERMOTT, WILL & EMERY

4370 LA JOLLA VILLAGE DRIVE, SUITE 700

SAN DIEGO, CA 92122

ART UNIT

PAPER NUMBER

1639

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO./ CONTROL NO.	FILING DATE 10/23/2000	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION Shukti Chakravarti	ATTORNEY DOCKET NO. CWV-001.01
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09/694,758

EXAMINER

Sue Liu

ART UNIT	PAPER
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20060601

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Commissioner for Patents

**Non-Responsive Election (Bonafide)**

The reply dated 3/17/2006 is not fully responsive to the prior office action because of the following omission(s) or matter(s):

The amendment filed on 3/17/06 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because applicants have canceled the elected species and presented only claims drawn to non-elected species. As a response to the Restriction Requirement (mailed on 2/12/02), applicants have elected a single gene (i.e. MMP-12) as the elected species in the reply to the Restriction requirement filed on 5/16/2002. However, Applicants have cancelled the elected species (MMP-12 gene), and presented 4 different and distinct species (i.e. GRO3, HNL, Elafin, and COL6A3), which are not the elected species and/or invention.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Liu whose telephone number is 571-272-5539. The examiner can normally be reached on M-F 9am-3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras can be reached on 571-272-4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sue Liu

Mark Z. Shubert  
MARK SHIBUYA, PH.D.  
PATENT EXAMINER